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SERVICE DATE - SEPTEMBER 17, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 200X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--  
IN FRANKLIN AND BUTLER COUNTIES, IA

Decided: September 16, 2004

On September 26, 2003, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the Iowa Trails Council (Council), on behalf of the Franklin and Butler Counties Conservation Boards, to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP), for a 23.61-mile line of railroad, known as the eastern portion of the Bristow Subdivision, extending from milepost 318.36 near Hampton to milepost 294.75 near Allison, in Franklin and Butler Counties, IA. By decision served on March 24, 2004, the negotiating period was extended until September 20, 2004.

On September 15, 2004, the Council filed a motion to extend the NITU negotiating period for an additional 180 days. The Council states that additional time is needed to complete negotiations. On September 16, 2004, the Board received a faxed copy of a letter from UP stating that it agrees to the request for an extension.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).<sup>1</sup> Accordingly, the NITU negotiating period will be extended for an additional 180 days from September 20, 2004.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The motion of the Council to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended for 180 days until March 19, 2005.

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<sup>1</sup> See Rail Abandonments--Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary